

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

WILLIAM SEDRIC AUTREY,
Plaintiff,

v.

ARY FISHER et al.,
Defendants.

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3:14-CV-00698-N-BK

**ORDER ACCEPTING FINDINGS AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE**

The United States Magistrate Judge made Findings, Conclusions, and a Recommendation in this case. Plaintiff filed objections, and the District Court has made a *de novo* review of those portions of the proposed findings and recommendation to which objection was made. The objections are overruled, and the Court **ACCEPTS** the Findings, Conclusions, and Recommendation of the United States Magistrate Judge.

IT IS THEREFORE ORDERED that the complaint is summarily **DISMISSED** with prejudice for failure to state a claim on which relief may be granted. See [28 U.S.C. § 1915\(e\)\(2\)\(B\)](#); [28 U.S.C. § 1915A\(b\)](#).

IT IS FURTHER ORDERED that the proposed amended complaint and motion for leave to amend [[Doc. 19](#); [Doc. 23](#)] are **STRICKEN**. Alternatively, Plaintiff is **DENIED** leave to amend because the proposed amendment would be futile.

The Court prospectively **CERTIFIES** that any appeal of this action would not be taken in good faith. See [28 U.S.C. § 1915\(a\)\(3\)](#); [FED. R. APP. P. 24\(a\)\(3\)](#). In support of this certification, the Court adopts and incorporates by reference the Magistrate Judge's Findings, Conclusions, and Recommendation. See [Baugh v. Taylor](#), 117 F.3d 197, 202 and n.21 (5th Cir.

1997). Based on the Findings and Recommendation, the Court finds that any appeal of this action would present no legal point of arguable merit and would, therefore, be frivolous.

[Howard v. King, 707 F.2d 215, 220 \(5th Cir. 1983\).](#)² In the event of an appeal, Plaintiff may challenge this certification by filing a separate motion to proceed *in forma pauperis* on appeal with the Clerk of the Court, U.S. Court of Appeals for the Fifth Circuit. See [Baugh, 117 F.3d at 202; FED. R. APP. P. 24\(a\)\(5\).](#)

SO ORDERED this 9th day of November, 2015.


UNITED STATES DISTRICT JUDGE

² [Federal Rule of Appellate Procedure 4\(a\)](#) governs the time to appeal an order. A timely notice of appeal must be filed even if the district court certifies an appeal as not taken in good faith.